

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.1951 of 2023 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Desh Raj Singh, Advocate, for the applicants. Mr. B.C.Joshi, AGA, for the State of Uttarakhand/1. The applicants have put a challenge to the proceedings of the Criminal Case No.1105 of 2023, "State Vs. Kaluram and others", being the proceedings, which are pending consideration before the court of ACJM, Laksar, District Haridwar, wherein, the applicants have been summoned to be tried for the offences under sections 147, 148, 149, 323, 504 and 506 of IPC. Learned counsel for the applicants for the purposes of putting a challenge to the aforesaid proceedings has confined his argument from the following prospective:- "That the FIR as registered on 28.08.2022, which is the genesis of the controversy, herein, is a belated FIR in relation to the incident, which was chanced on 05.06.2022. Secondly, he submits that the FIR in question happens to be a counter blast to the earlier FIR, which was registered by him as referred to an FIR No.449, dated 08.06.2022, which according to him, it relates to the same offences, for which the instant FIR has been registered on which the investigation was carried and the chargesheet has been submitted." For the purposes of scrutinizing as to whether it is a counter blast or not, because the incident in the two FIRs are distinctly related to the incident of 05.06.2022 and 06.06.2022.

			What comparative bearing will it have is a subject matter which is to be decided by the Trial Court. Even what affect the delayed FIR would have, is a question to be appreciated after providing an opportunity to the other side to lead their evidence. This court has been consistently observing that the C482 applications are being resorted to as to be a forum available to the litigant against whom the criminal proceedings is drawn, for calling upon the court exercising the inherent jurisdiction under section 482 CrPC to appreciate the evidence and to analyze the argument pertaining to the counter blast proceedings or what bearing the delayed FIR would have, because for the said purpose, the Court will have to appreciate an evidence, which is not a scope of 482 of CrPC, because that is exclusively falling within the domain of the trial court in the light of the judgment of the Hon'ble Apex Court, where pre trial of the criminal proceedings is not the scope open to be ventured under section 482 of CrPC. Hence, I do not find any merit in the C482 application, the same is accordingly rejected, leaving all contentions open for the applicants to raise, at the stage, when the trial is proceeded with. Besides this, it will be open for the applicants, if so advised, to take recourse to the judgment of “Satender Kumar Antil Vs. Central Bureau of Investigation and another” as reported in 2022 (10) SCC 51. Subject to the aforesaid, the C482 application stands dismissed. (Sharad Kumar Sharma, J.) 04.10.2023 NR
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